

Remarks

Claims 1-21 are currently pending based on the amendment herein:

The Examiner rejected claims 1-17, 20, and 21 under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. (5761301) in view of Moskowitz et al.

Applicant respectfully traverses the §103 rejections with the following arguments.

35 U.S.C. 103(a)

Claims 1-17, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. (5761301) in view of Moskowitz et al.

The Examiner alleges that " In their abstract, Oshima *et al.* discloses a medium mark on an optical disk. Sec part 819b of figure 1 for reading a medium mark from the record carrier. The position information is sent to an encryptor that creates a digital signature of the position information, as described in the abstract. The digital signature reads on applicants' second bitpattern, while the position information reads on applicants' first bitpattern. Figure 18 shows the entire process of forming the digital signature and then verifying it.

Oshima *et al.* does not say that the digital signature is embedded as a watermark in user information. In lines 44-57 of column 6, Moskowitz presents the beneficial method of embedding digital signatures as watermarks in content. Content is user information in that it is used by the user. This embedding provides nonrepudiation and validation. The Examiner alleges, therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to embed the signatures described in Oshima *et al.* as watermarks into the user information in order to assure nonrepudiation and validity."

As to claim 1 as amended, Applicant respectfully contends that Oshima and Moskowitz do not individually or collectively teach or suggest each and every feature of claim 1. As a first

example, Oshima and Moskowitz do not teach or suggest the features of “reading means for reading a first bitpattern from a medium mark on an information carrier;” and “generating a second bitpattern according to a predefined relationship to contents of the first bitpattern;” (emphasis added). Oshima and Moskowitz do not teach or suggest a copy protection system that comprises a recorder that reads a first bitpattern from a media mark on an information carrier and generates a second bitpattern according to a predefined relationship to contents of the first bitpattern, as described in Applicant’s claim 1. Applicant contends that the Examiner has incorrectly concluded that in step 819b of the Oshima patent, a medium mark is read from a record carrier. In contrast, in step 819b of the Oshima patent position information for a medium mark comprising an anti-piracy marking is read from a record carrier and encrypted in step 819c as shown by oshima in col. 7, lines 21-34. Therefore, Applicant contends Oshima and/or Moskowitz do not teach or suggest that contents (i.e., bitpattern) of a medium mark are read and that a second bitpattern is generated having a direct relationship to the contents of the first bitpattern as in Applicant’s claim 1.

As a second example, Oshima and Moskowitz do not teach or suggest the feature of “a player including: first reading means for reading the first bitpattern from the medium mark on the information carrier; second reading means for reading the embedded watermark representing the second bitpattern from the user information; verifying means for verifying the relationship between the second bit pattern and the first bit pattern; and enabling means for enabling playback of the recorded watermarked user information from the information carrier based on said verification”. (Emphasis added). Applicant contends that the Examiner has incorrectly concluded in his response to arguments from the last office action dated 6/20/02 that Oshima shows in FIG. 18 “the process of checking the medium mark against the digital signature and enabling the use of data on the disc if the comparison is ok”. In contrast,

Applicant contends that in FIG. 18 Oshima teaches a comparison of disc physical feature information (i.e., position information of an anti-piracy mark) with a measured disc physical feature information (i.e., measured position information of an anti-piracy mark). Therefore, Applicant contends that Oshima does not teach **a player comprising enabling means for enabling playback** of recorded watermarked user information from an information carrier based on **verification of a predefined relationship between a first bitpattern and contents of a second bitpattern** as shown by claim 1 Applicant's disclosure.

As a third example, Oshima and Moskowitz do not teach or suggest the feature of "recorded user information encoded with **a watermark representing a second bitpattern** having a predefined relationship to contents of the first bitpattern" (emphasis added). Applicant contends that the Examiner has incorrectly concluded that a digital signature comprising position information of a medium mark in the Oshima patent is equivalent to Applicant's second bitpattern in claim 1. Applicant's second bitpattern is generated according to a predefined relationship to **contents** of Applicant's first bitpattern within the medium mark (see entire specification). Since the digital signature in the Oshima patent comprises position information of a medium mark and does not comprise information relating to contents of a bitpattern within a medium mark as required by claim 1 of Applicant's disclosure, Applicant contends that the digital signature in the Oshima patent is not equivalent to Applicant's second bitpattern in claim 1 as stated by the Examiner. Based on the preceding arguments, Applicant respectfully maintains that claim 1 is not unpatentable over Oshima in view of Moskowitz and that claim 1 is in condition for allowance. Since claims 2-4, 14, 18, and 19 depend from claim 1, Applicant contends that claims 2-4, 14, 18, and 19 are likewise in condition for allowance.

As to claim 5 as amended, Applicant respectfully contends that Oshima and Moskowitz do not individually or collectively teach or suggest each and every feature of claim 5. For

example, Oshima and Moskowitz do not teach or suggest the feature of "reading means for **reading a first bitpattern from a medium mark on an information carrier**" (emphasis added). Based on the arguments for the preceding feature presented *supra* in relation to claim 1, Applicant respectfully maintains that claim 5 is not unpatentable over Oshima in view of Moskowitz and that claim 5 is in condition for allowance. Since claim 15 depends from claim 5, Applicant contends that claim 15 is likewise in condition for allowance.

As to claim 9 as amended, Applicant respectfully contends that Oshima and Moskowitz do not individually or collectively teach or suggest each and every feature of claim 9 as discussed *supra* in the arguments for claim 1. For example, Oshima and Moskowitz do not teach or suggest the feature of "a second bitpattern according to a predefined relationship to **contents of the first bitpattern**" (emphasis added). Based on the arguments for the preceding feature presented *supra* in relation to claim 1, Applicant respectfully maintains that claim 9 is not unpatentable over Oshima in view of Moskowitz and that claim 9 is in condition for allowance. Since claims 10 and 16 depend from claim 9, Applicant contends that claims 10 and 16 are likewise in condition for allowance.

As to claim 11 as amended, Applicant respectfully contends that Oshima and Moskowitz do not individually or collectively teach or suggest each and every feature of claim 11 as discussed *supra* in the arguments for claim 1. For example, Oshima and Moskowitz do not teach or suggest the feature of "reading means for **reading the first bitpattern from the medium mark on the information carrier**" (emphasis added). Based on the arguments for the preceding feature presented *supra* in relation to claim 1 Applicant respectfully maintains that claim 11 is not unpatentable over Oshima in view of Moskowitz and that claim 11 is in condition for allowance. Since claims 12, 13 and 17 depend from claim 11, Applicant contends that claims 12, 13 and 17 are likewise in condition for allowance.

Conclusion

Applicant respectfully believes that claims 1-21 and the entire application, are in condition for allowance and therefore request favorable action. However, should the Examiner believe anything further is necessary in order to place the application in better condition for allowance, or if the Examiner believes that a telephone interview would be advantageous to resolve the issues presented, the Examiner is invited to contact the Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

Jack P. Friedman

By: Jack P. Friedman
Reg. No. 44,688
Schmeiser, Olsen & Watts
3 Lear Jet Lane, Suite 201
Latham, NY 12110
Email: jfriedman@iplawusa.com

Date: 04/23/2003